

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**ECF FILING**

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LAURA VASQUEZ,

Docket No.: 05 Civ. 2961 (AKH)

Plaintiff,  
-against-

VERIFIED COMPLAINT  
AND JURY DEMAND

TRISTATE DEVELOPERS, INC., f/k/a  
RZ CONSTRUCTION CORP.  
SULIMAN ARIF, as Supervisor, and Individually,  
and JAMAL QUERESHI, as Supervisor,  
and Individually,

Defendants.

-----X

Plaintiff, LAURA VASQUEZ, by her attorneys, GOODSTEIN & WEST, ESQS, as and  
for her Complaint, alleges:

**NATURE OF THE CASE**

ThisThis This isThis is anThis is an This is an employmeThis is an employment discrimination  
discriminationdiscrimination against plaintdiscrimination against plaintifffdiscrimination against plaintiff dis  
gender,gender, and in retalgender, and in retaliatiogender, and in retaliation against plaintiff, including  
plaintiffplaintiff engagingplaintiff engaging in the protected activityplaintiff engaging in the protected activi  
ofof Title VII of Title VII of the Cof Title VII of the Civil Rights Act of 1964, 42 USC §2000e, as am  
HumanHuman RightsHuman Rights Law, N.Y. Executive Law §290, *et seq.*, and., and the New York City  
N.Y.C.N.Y.C. Administrative Code, Title 8 §8-101, *et seq.*. Plaintiff seeks injunctive relief, compensatory  
damages and punitive damages against defendants.

**JURISDICTION AND VENUE**

A. Subject Matter Jurisdiction

1. ThThisThis Court has jurisdiction over the federal claims pursuant to 28 U.S.C. §This Co  
1337,1337, and 1343. This action is authorized and instituted, pursuant1337, and 1343. This action is auth

the Civil Rights as of 1964, as the Civil Rights as of 1964, as amended, 42 U.S.C. §2000e ("Title VII"), and the Civil Rights Act of 1991, 42 U.S.C. §1981A.

2. Supplemental jurisdiction over the stateSupplemental jurisdiction over the state  
United Mine Workers v. Gibbs, 282 U.S. 715 (1966).

B. Venue

3. Venue is proper in this district, pursuant to 28 U.S.C. §1331. Venue is proper in this district, since the claims alleged herein arise in the State of New York, all within 5(f)(3), similarly situated to the claims in United Mine Workers v. Gibbs. 5(f)(3), since the claims alleged herein arise in the State of New York, all within 5(f)(3), similarly situated to the claims in United Mine Workers v. Gibbs.

PARTIES

4. Plaintiff, LAURA VASQUEZ ("Plaintiff"), resides at 1315 Amsterdam Avenue, New York, New York, in the County of New York, State of New York.

5. Upon information and belief, defendant TRISTATE DEVELOPMENT CORP. ("RZ"), is a private company, with its offices in 264 Stanley Avenue, Staten Island, New York, and, at all relevant times, continually employed at least fifteen (15) employees.

6. Upon information and belief, defendant RZ is or is not an industry affecting interstate commerce within the meaning of Title VII.

7. Upon information and belief, defendant RZ has violated the New York State and New York City Human Rights Laws.

8. At all times relevant herein, defendant SULIMAN was the supervisor of defendant RZ CONSTRUCTION CORP., and Ms. VASQUEZ's immediate supervisor at the RZ CONSTRUCTION CORP. site in the Grant Houses complex, New York City, New York.

9 At all times relevant herein, defendant JAMALAt all times relevant herein, de employee employee of defendant RZ CONSTRUCTION CORP., and employee of defendant RZ CONSTR CONSTRUCTION CORP. site in the Grant Houses complex, New York City, New York.

### STATEMENT OF CLAIMS

#### A. Background

10. On April 10, 2003, Plaintiff filed a Complaint of Discrimination with CiCityCity HousCity Housing Authority Department of Equal Opportunity, Office of Employment Opp ( OEO ) alleging violations of( OEO ) alleging violations of Title VII by Defendants. On Dec Probable Probable Cause Probable Cause to believe Defendants discriminated Probable Cause to be Plaintiff. Plaintiff was notified of the determination on June 2, 2004.

11. On June 7, 2004, Plaintiff filed a Charge of Discr violations violations oviolations of Titviolations of Title VII by Defendant RZ CONSTRUCTION. (Cop ExhibitExhibit "A" and incorporated herein.) It is now more than thirty daysExhibit "A" and incorporated 11,11, 2005, the E.E.O.C. issued its Notice of Right To Sue letter. (Copy annexed hereto as Exhibit "B" andand incorporated herein.) This action has been brought within 90 days of the receipt ofand incorporated of Right to Sue. All conditions precedent to the institution of this lawsuit have been met.

#### B. Facts

12. Plaintiff a female, Plaintiff a female, born February 20, 1962, is Plaintiff a female, born City Housing Authority ( NYCHA ) development.

13. Plaintiff Plaintiff Plaintiff was a participant in the Section 3 Program of the Housing and Development Act of 1968 ( Section 3").

14. Defendant TRISTATE f/k/a RZ was a subconDefendant TRISTATE f/k/a RZ contract with the NYCHA to repair exterior brickwork at Grant Houses in 2002-2003.

16. Defendant TRISTATE f/k/a RZ agreed to Defendant TRISTATE f/k/a RZ agreed to as laborers in New York City.

17. Plaintiff was hired by RZ Construction pursuant to defendant's obligations under the REP Hiring Summary Agreement with NYCHA.

18. Plaintiff worked as a construction laborer for Plaintiff worked as a construction  
formally known as RZ CONSTRUCTION CORP., commencing October 1, 2002.

19. Defendant TRISTATE f/k/a RZ also hired two Defendants TRISTATE f/k/a RZ  
Hiring Summary Agreement with NYCHA.

20. At all relevant times, Defendant ARIF was the site supervisor of Section A workers at Grant Houses.

21. At all relevant times, Defendant QURESHI was the site manager at Grant Houses.

22. Commencing in or about Oc

Business Business Initiative Business Initiatives ( DEBI ) that Defendant RZ was subjecting conditions at work than those given to male Section 3 resident workers of defendant RZ

23. In or about March, 2003, Plaintiff reported to NYCHA that he was not providing Plaintiff with equal work hours since he was working with other workers of defendant RZ.

24. On or about April 4, 2003, Defendant TRISTATE f/k/a RZ, her employment with defendant RZ.

25.25. On May 13, 2003, defendant RZ Construction was a Section 3 resident worker in conjunction with the REP at Grant Houses.

26. By letter dated June 30, 2003, Plaintiff resigned from letter dated June 30, 2003, Plaintiff resigned from harassment, unsafe working conditions and duress by defendants.

27. Commencing July 8, 2003, Darryl Bra  
hired by defendant RZ to replace Plaintiff.

28. At all relevant times herein, Plaintiff was employed by defendant TRISTATE f/k/a RZ.

29. While in the course of her employment plaintiff was subjected to different terms and conditions of employment than male plaintiff was sexually harassed by her male supervisors, defendants A hostile work environment for plaintiff which was pervasive and severe.

30. The sexually harassing conduct and unequal and unfair treatment consisted of negative comments about Plaintiff being a woman in the field, failing to provide plaintiff with protective gear at the work site, requiring Plaintiff to demolition debris while male workers watched, holding up sign blank time sheets instead of sign blank time sheets in order to receive her pay, and not signing blank time sheets hours equal to those worked by male Section 3 Resident workers.

31. Defendants had initially declined to hire Plaintiff to be reminded and directed by officials at DEBI of their legal obligation to 3 resident workers regardless of their gender.

32. Defendant ARIF did threaten to fire Plaintiff defendant QUESHI told Plaintiff to stop reporting RZ to the oversight agencies.

33. Defendants did terminate Plaintiff's employment reported the unfair treatment to which she was being subjected by Defendants.

34. Plaintiff was constructively discharged from her employment June 30, 2003 as a direct result of Defendants' discriminatory environment and retaliation.

FIRST CAUSE OF ACTION:  
against Defendant RZ  
Discrimination in Violation of Title VII

35. Plaintiff repeats and realleges each allegation contained herein as though fully set forth herein.

36. By its action aforementioned, Defendant RZ subjected Plaintiff on the basis of her gender in violation of Title VII.

37. In violating Title VII, Defendant RZ acted intentionally, maliciously, willfully and with reckless indifference to plaintiff's federally protected rights.

38. Plaintiff has suffered, is suffering, Plaintiff has suffered, is suffering, and, upon information and belief, Plaintiff will suffer irreparable injury caused by Defendant RZ's illegal conduct.

39. The violative conduct of Defendant RZ complained of aboveThe violative conduct of I of equal employment opportunities, adversely affected plaintiff caused plaintiff to lose wages and benefits, to incur pecuniary and emotional distress and humiliation, and to incur attorneys' fees and costs.

**SECOND CAUSE OF ACTION:  
against Defendant RZ  
Retaliation in Violation of Title VII**

40. Plaintiff repeats and realleges each allegation contained herein as though fully set forth herein.

41. By terminating Plaintiff on April 4, Defendant RZ violated Title VII.

42. ByBy By constructivelyBy constructively By constructively terminatingBy constructively term  
VII.

43. This unjustified conduct against This unjustified conduct plaintiff having complained of and opposed Defendants discriminatory conduct.

44. InIn violating Title VII, Defendant RZ acted intentionally, maIn violating Title VII, Defe with reckless indifference to plaintiff's federally protected rights.

45.. PlaintiffPlaintiff has suffered, is suffering, Plaintiff has suffered, is suffering, and, upon info suffer irreparable injury caused by Defendant RZ s illegal and retaliatory conduct.

46. TheThe violative conduct of Defendant RZ complained of The violative conduct of Defe equalequal employment opportunities, adversely affected her statusequal employment opportunities, ad causedcaused plaintiff to lose wages and benefits, to incur pecuniary and non-pecuniary losses, to emotional distress and humiliation, and to incur attorneys' fees and costs.

THIRD CAUSE OF ACTION:  
against Defendant RZ  
Discrimination in Violation of The New York State Human Rights Law

47. PlaintiffPlaintiff repeatsPlaintiff repeats andPlaintiff repeats and realleges each allegation co of this Complaint as though fully set forth herein.

48. ByBy its action aforementioned, Defendant RZ subjected plaintiff to disparate tBy its action a onon the basis of her gender in violation on the basis of her gender in violation of on the basis of her ge 296.1 *et. seq.*

49. PlaintiffPlaintiff has suffered, is suffering, Plaintiff has suffered, is suffering, and, upon info suffer irreparable injury caused by Defendant RZ s illegal conduct.

50. InIn violating Title VII, DefendanIn violating Title VII, DefendantIn violating Title VII, I with reckless indifference to plaintiff's federally protected rights.

51. TheThe violative conduct of Defendant RZThe violative conduct of Defendant RZ compla ofof equal employment opportunities, adverselyof equal employment opportunities, adversely affectedof e causedcaused plaintiff to lose wages and benefits, to incucaused plaintiff to lose wages and benefits, to suffer emotional distress and humiliation and to incur the costs of this action.

**FOURTH CAUSE OF ACTION:  
against Defendant RZ**

**Retaliation in Violation of The New York State Human Rights Law**

52. Plaintiff repeats and realleges each allegation contained herein as though fully set forth herein.

53 The complained of unjustified conduct again The complained of unjustified conduct  
retaliation for Plaintiff having complained of and opposed Defendants discriminatory conduct.

54. Defendant's actions towards plaintiff because of her protected activity, violated the New York City Human Rights Law, N.Y. Exec. Law § 296.1

55. Defendant RZ knew or should have known that his conduct violated the State Human Rights Law.

56. By reason of Defendant RZ's violation of the New York State Human Rights Act plaintiff lost wages and benefits, incurred pecuniary distress and humiliation, and incurred the costs of this action.

**FIFTH CAUSE OF ACTION:  
Violation of The New York City Human Rights Law**

57. Plaintiff repeats and realleges each Plaintiff repeats and realleges each Plaintiff repeats and  
of this Complaint as though fully set forth herein.

58. Defendant RZ's willful actions towards her employment because of her gender violated the New York City Human Rights Law.

59. Defendant RZ knew or should have known the NYC Human Rights Laws.

60. By reason of Defendant RZ's intentional and malitious violations of the NYC Human Rights Law, Plaintiff's violations of

andand non-pecuniary losses, suffered severe emotional distrand non-pecuniary losses, suffered severeemoti fees and the costs of this action.

**SIXTH CAUSE OF ACTION:**  
**Violation of The New York City Human Rights Law**

61. PlaintiffPlaintiff repeatsPlaintiff repeats andPlaintiff repeats and realleges each allegation co of this Complaint as though fully set forth herein.

62. TheThe complained of unjustified conduct The complained of unjustified conduct aga retaliation for Plaintiff having complained of and opposed Defendants discriminatory conduct.

63. DefendantDefendant RZ's willful actions towards PlaintiffDefendant RZ's willful actions to employmentemployment because of her opposition to Defendants conduct violated the New York City Hu Rights Law, N.Y. Administrative Code.

64. DefendantDefendant RZ knew or should have kDefendant RZ knew or should have know NYC Human Rights Laws.

65. ByBy reasonBy reason of Defendant RZ's intentional andBy reason of Defendant RZ's intent its violations of the NYC Humanits violations of the NYC Human Rights Law, Plaintiffits violations of andand non-pecuniary losses, suand non-pecuniary losses, sufferedand non-pecuniary losses, suffered and no fees and the costs of this action.

**SEVENTH CAUSE OF ACTION**  
**(Aiding and Abetting against Defendant SULIMAN ARIF)**

66. PlaintiffPlaintiff repeats andPlaintiff repeats and realleges thePlaintiff repeats and realleges of this Complaint as though fully set forth herein.

67. UponUpon information and belief, defendant SULIMAN ARIF actually participated in discriminatorydiscriminatory and retaliatory conduct against Plaintiff in that defendant Adiscriminato

defendant defendant JAMAL QUERESHI in unjustly assigning terminating and/or causing the defendant JA Plaintiff because of Plaintiff's gender.

68. ByBy hBy hisBy hisBy his conductBy his conduct By his conduct coBy his conduct complainedor coerced the discrimination against Plaintiff on the basis of her gender andor coerced the discrimination PlaintiffPlaintiff oPlaintiff on the basis of her protected activity, all in violation of New York State Human Law §296.6.

69. As a direct result of def As a direct Plaintiff, Plaintiff has suffered and continues to suffer Plaintiff, Plaintiff has suffered and continues to suffer and mental anguish and incurred the costs of this action.

**EIGHTH CAUSE OF ACTION**  
(Aiding and Abetting against Defendant JAMAL QU ERESHI )

70. Plaintiff repeats and realleges the allegations contained in each of this Complaint as though fully set forth herein.

71. UponUpon information and belUpon information and belief, deUpon information discriminatoryand discriminatory and retaliatoryconduct against plaintiff indiscrimatoryand defendantdefendant ARIF, in unjustly assigning, terminating and/or causing defendant ARIF, in unjustly because of Plaintiff s gender.

72. By his conduct complained of, Defendant QUERESHI aided and abetted the discrimination and retaliation compelled or coerced the discrimination and retaliation and retaliation State Human Rights Law §296.6.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands judgment against defendant as follows:

On All Causes of Action:

A. Grant a permanent injunction enjoining CONSTRUCTION CORP, its officers, successors, and assigns, CONSTRUCTION CO practices which discriminate against employees;

B. Order TRISTATE f/k/a RZ CONSTRUCTION policies, programs and practices which provide equal policies, programs and practices of defendant company and which eradicate the effects of defendant company and which eradicate the effects of practices;

On the First and Second Causes of Action:

C. An Order directing defendant TRISTATE f/k/a RZ to make plaintiff whole by providing damages in the amount of lost back pay with prejudgment interest, lost future pecuniary losses and compensatory damages for plaintiff's emotional anguish, and humiliation; for punitive damages; and for attorneys' fees, and costs incurred.

D. A judgment ordering defendant TA judgment ordering defendant position or a comparable position with retroactive seniority, increases, and benefits;

On the Third and Fourth Causes of Action:

E. An Order directing defendant TRISTATE f/k/a RZ to make plaintiff An Order direct providing monetary damages in the amount of lost back pay with past and future pecuniary losses and compensatory damages for past and future pecuniary losses and emotional anguish and humiliation; and for costs incurred.

On the Fifth and Sixth Causes of Action:

F. An Order directing defendant An Order directing defendant TRISTA An Order direct providing monetary damages in the amount of lost back pay with lost benefits; past and future pecuniary losses lost benefits; past and future pecuniary losses and comp

pain,pain, suffering, mental anguish and pain, suffering, mental anguish and humiliation pain, suffering incurred.

On the Seventh Cause of Action:

G. An award against defendant SULIMAN ARIF An award against defendant SULIMAN ARIF in the amount of \$500,000; and for costs incurred.

On the Eighth Cause of Action:

H. An award against defendant JAMAL QUERESHI to plaintiff of compensation damages in the amount of \$500,000; and for costs incurred.

Together with such other and further relief as to this Court may seem just and proper.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all issues properly before this Court and all questions of fact raised by this Complaint.

Dated: New Rochelle, New York  
March 14, 2005

Respectfully Submitted,

GOODSTEIN & WEST

By:

/s/  
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